

California Regional Water Quality Control Board
North Coast Region

ORDER NO. R1-2001-104
WDID NO. 1B00166RHUM

WASTE DISCHARGE REQUIREMENTS

FOR

MURRISH AND ASSOCIATES
OLD WOOLEN MILL SITE

Humboldt County

The California Regional Water Quality Control Board, North Coast Region, (hereinafter Regional Water Board) finds that:

1. Murrish and Associates, Old Woolen Mill Site (hereinafter Discharger) submitted a Report of Waste Discharge dated March 13, 2000. Supplemental information to complete filing of the application was submitted on September 5, 2000. The appropriate Report of Waste Discharge fees have been submitted.
2. These waste discharge requirements are for the onsite reuse of soils contaminated with petroleum hydrocarbons, chromium, lead and zinc. The site is located in Eureka, California at 40°47'30" North Latitude and 124°10'45" West Longitude in the northwest quarter of Section 27, Township 5 North, Range 1 East, and in the northeast quarter of Section 28, Township 5 North, Range 1 East of Humboldt Baseline and Meridian. Potential receiving waters include Humboldt Bay and areal groundwater.
3. Commercial development is proposed at the site. Onsite soils contain residual contaminant levels of petroleum hydrocarbons and metals, and these soils are proposed for use as fill. The contaminated soils will be capped with uncontaminated fill and paved with asphalt and/or concrete building slabs.
4. Laboratory analysis of samples collected from the contaminated soils were below hazardous waste levels. Maximum total metal concentrations detected in the soil stockpile were chromium at 58 mg/Kg, lead at 37 mg/Kg and zinc at 76 mg/Kg. A modified waste extraction test was conducted utilizing site groundwater as the extraction media to identify solubility of metals. Maximum soluble concentrations of metal detected were chromium at 0.088 mg/L and zinc at 0.28 mg/L. Lead was not detected above the laboratory detection limit of 0.05 mg/L. The maximum concentration of total petroleum hydrocarbons (TPH) as motor oil was 680 mg/Kg. TPH motor oil was analyzed by a Toxicity Characteristic Leaching Procedure. TPH motor oil was not detected above the laboratory detection limit of 2.0 mg/L. The volume of contaminated soil to be used as fill is approximately 300 cubic yards. The capping of the contaminated soil will effectively eliminate precipitation and surface water intrusion of the contaminants. Quarterly groundwater monitoring has identified a seasonal high water table at a depth of 4.3 feet below ground surface. Groundwater is not anticipated to come in contact with contaminants.
5. Soils containing contamination below hazardous waste levels that could release contaminants above applicable water quality objectives are classified as "designated waste." California Code of Regulations Title 27, Chapter 3, Section 20210 provides for the discharge of designated waste to Class II waste management units which comply with applicable State Water Resources Control Board (SWRCB)-promulgated regulations. California Code of Regulations Title 27, Chapter 1, Section 20080(b) provides:

"Unless otherwise specified, alternatives to construction or prescriptive standards contained in the SWRCB-promulgated regulations of this subdivision may be

considered. Alternatives shall only be approved where the discharger demonstrates that:

- (1) the construction or prescriptive standard is not feasible as provided in (c); and*
- (2) there is a specific engineered alternative that: (A) is consistent with the performance goal addressed by the particular construction or prescriptive standard; and (B) affords equivalent protection against water quality impairment.*

To establish that compliance with prescriptive standards is not feasible for the purposes of Section 20080(b), the discharger must demonstrate that compliance with a prescriptive standard either: (1) is unreasonably and unnecessarily burdensome and will cost substantially more than alternatives which meet the criteria in Section 20080(b); or (2) is impractical and will not promote attainment of applicable performance standards. For the latter, the Regional Water Board must consider all relevant technical and economic factors including, but not limited to, present and projected costs of compliance, potential costs for remedial action in the event that waste or leachate is released to the environment, and the extent to which ground water resources could be affected."

6. The engineered alternative presented in the remedial action plan, and identified below, is designed to effectively accomplish prescriptive waste disposal standards of promulgated SWRCB regulations. The prescriptive alternative is consistent with the performance of the prescriptive standards and provides equivalent protection of water quality. Estimated costs to conform with prescriptive standards range from \$30,000 to \$150,000. These costs are unreasonably and unnecessarily burdensome and will cost more than the engineered alternative. The engineered alternative includes the following features:
 - a. Implementation of a cap to prevent water from percolating through waste and deleteriously impacting groundwater.
 - b. Historical assessment of groundwater elevation levels indicate groundwater will not come in contact with waste.
 - c. Engineered structures designed for containment of waste are not anticipated to be adversely affected by a maximum credible earthquake.
 - d. Waste will be isolated from waters of the state by way of items a. and b. above.
 - e. Vertical movement of fluid, including waste and leachate, should be prevented through items a. and b. above.
 - f. Lateral movement of fluid, including waste and leachate, should be prevented through items a. and b. above.
 - g. The proposed location for soil reuse is located outside the 100 year floodplain and protected from surface runoff generated in a storm with 25 year frequency and 24 hour duration.
 - h. Unit is capable of withstanding acceleration of maximum credible earthquake and therefore may be located within 200 feet of known Holocene fault.
 - i. Waste disposal site is not located in area of potential rapid geological change.
7. The Regional Water Board *Water Quality Control Plan* for the North Coast Region includes water quality objectives and receiving water limitations.
8. The beneficial uses of Humboldt Bay include:
 - a. navigation (NAV)
 - b. water contact recreation (REC1)
 - c. noncontact water recreation (REC2)
 - d. commercial and sport fishing (COMM)
 - e. wildlife habitat (WILD)

- f. preservation of rare and endangered species (RARE)
 - g. marine habitat (MAR)
 - h. migration of aquatic organisms (MIGR)
 - i. spawning, reproduction, and/or early development (SPWN)
 - j. shellfish harvesting (SHELL)
 - k. estuarine habitat (EST)
 - l. aquaculture (AQUA)
9. Beneficial uses of areal groundwaters include:
- a. domestic water supply
 - b. industrial service supply
 - c. agricultural water supply
10. A Negative Declaration was prepared and approved by the Regional Water Board on August 23, 2001 to satisfy the requirements of the California Environmental Quality Act. The Regional Water Board has considered the Negative Declaration and has determined that the proposed capping of contaminated soils will not result in unmitigated significant environmental impacts.
11. The Regional Water Board has notified the Discharger and interested agencies and persons of its intent to prescribe waste discharge requirements for the discharge and has provided them with an opportunity to submit their written comments and recommendations.
12. The Regional Water Board, in a public meeting, heard and considered all comments pertaining to the discharge.
13. The permitted discharge is consistent with State Water Resources Control Board Resolution No. 68-16. The impact on existing water quality will be insignificant.

THEREFORE, IT IS HEREBY ORDERED that the Discharger, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, shall comply with the following:

A. DISCHARGE PROHIBITIONS

- 1. The discharge of any waste not specifically regulated by this Order is prohibited.
- 2. Creation of a pollution, contamination, or nuisance, as defined by Section 13050 of the California Water Code (CWC), is prohibited.
- 3. The discharge of waste to land that is not under the control of the Discharger is prohibited.
- 4. The discharge of waste from the Old Woolen Mill facility to Humboldt Bay or areal groundwater is prohibited.
- 5. The discharge of waste or the placement of contaminated material on property not specified by this Order is prohibited.
- 6. The use of contaminated on-site soils as fill beyond the quantity specified in Finding No. 4 is prohibited.

B. PROVISIONS

- 1. A copy of this Order shall be maintained at the discharge facility while the site development occurs and be available at all times to operating personnel.

2. Severability

Provisions of these waste discharge requirements are severable. If any provision of these requirements is found invalid, the remainder of these requirements shall not be affected.

3. Operation and Maintenance

The Discharger shall maintain in good working order and operate as efficiently as possible any facility or control system installed by the Discharger to achieve compliance with the waste discharge requirements.

4. Change in Discharge

The Discharger shall promptly report to the Regional Water Board any material change in the character, location, or volume of the discharge.

5. Change in Ownership

In the event of any change in control or ownership of land or waste discharge facilities presently owned or controlled by the Discharger, the Discharger shall notify the succeeding owner or operator of the following items by letter, a copy of which shall be forwarded to the Regional Water Board:

- a. existence of this Order
- b. the status of the Dischargers annual fee account

6. Vested Rights

This Order does not convey any property rights of any sort or any exclusive privileges. The requirements prescribed herein do not authorize the commission of any act causing injury to persons or property, nor protect the Discharger from his liability under federal, State, or local laws, nor create a vested right for the Discharger to continue the waste discharge.

7. Monitoring

The Discharger shall comply with the Contingency Planning and Notification Requirements Order No. 74-151 and the Monitoring and Reporting Program No. R1-2001-104 and any modifications to these documents as specified by the Executive Officer of the Regional Water Board (Executive Officer). Such documents are attached to this Order and incorporated herein. Chemical, bacteriological, and bioassay analyses shall be conducted at a laboratory certified for such analyses by the State Department of Health Services.

8. Inspections

The Discharger shall permit authorized staff of the Regional Water Board:

- a. entry upon premises in which an effluent source is located or in which any required records are kept
- b. access to copy any records required to be kept under terms and conditions of this Order
- c. inspection of monitoring equipment or records
- d. sampling of any discharge.

9. Noncompliance

In the event the Discharger is unable to comply with any of the conditions of this Order due to:

- a. breakdown of waste treatment equipment
- b. accidents caused by human error or negligence

c. other causes such as acts of nature

The Discharger shall notify the Executive Officer by telephone as soon as he or his agents have knowledge of the incident and confirm this notification in writing within two weeks of the telephone notification. The written notification shall include pertinent information explaining reasons for the noncompliance and shall indicate the steps taken to correct the problem and the dates thereof, and the steps being taken to prevent the problem from recurring.

10. Revision of Requirements

The Regional Water Board will review this Order periodically and may revise requirements when necessary.

This Regional Water Board requires the Discharger to file a report of waste discharge at least 120 days before making any material change or proposed change in the character, location, or volume of the discharge.

Certification

I, Susan A. Warner, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, North Coast Region, on August 23, 2001.

Susan A. Warner
Executive Officer